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EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/852,497

Applicant(s)
Vigil et al.

Examiner
John Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 10, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTION—35 U.S.C. §112

The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 4, 5, 9, 23, 24, 25, 29, 41, 42, 43 & 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 3, 4, 5, 9, 23, 24, 25, 29, 41, 42, 43 & 47 recite a period of time "no less than about 5 seconds. . . ." which is indefinite because there is no upper time limit. Appropriate corrections are required.

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CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-77 are rejected under 35 U.S.C. §103(a) as being obvious over Small 5,791,991 (8/11/1998) (herein referred to as "Small").

As per independent claim 1, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67;

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col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 1.

Small lacks an explicit recitation of the "advertisement" elements and limitations of claim 1, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the "advertisement" elements and limitations of claim 1, because such selection would have provided means for "*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*" (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 2, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 2.

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Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 2, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 2, because such selection would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 3, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 3.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 2, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35;

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col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the "advertisement" elements and limitations of claim 3, because such selection would have provided means for "*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*" (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per claims 4-21, Small shows the system of claim 3 and the systems of subsequent claims depending from claim 3. (See the rejection of claim 3 supra).

Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claims 4-21.

Small lacks an explicit recitation of the elements and limitations of claims 4-21, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll.

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37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 4-21 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.”* (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 22, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 22.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 22, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll.

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19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 22, because such selection would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 23, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 23.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 23, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and

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limitations of claim 23, because such selection would have provided means for *“an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.”* (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per claims 24-40, Small shows the system of claim 23 and the systems of subsequent claims depending from claim 23. (See the rejection of claim 23 supra).

Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claims 24-40.

Small lacks an explicit recitation of the elements and limitations of claims 24-40, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 24-40 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results*

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in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 41, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 41.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 41, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 41, because such selection would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

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As per claims 42-59, Small shows the system of claim 41 and the systems of subsequent claims depending from claim 41. (See the rejection of claim 41 supra).

Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claims 42-59.

Small lacks an explicit recitation of the elements and limitations of claims 42-59, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 42-59 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 60, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll.

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1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 60.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 60, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 60, because such selection would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 61, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 61.

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Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 61, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 61, because such selection would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per claims 62-72, Small shows the system of claim 61 and the systems of subsequent claims depending from claim 61. (See the rejection of claim 61 supra).

Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claims 62-72.

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Small lacks an explicit recitation of the elements and limitations of claims 62-72, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 62-72 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.”* (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 73, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 73.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 73, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

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It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 73, because such selection would have provided means for *“an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.”* (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per independent claim 74, Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claim 74.

Small lacks an explicit recitation of the “advertisement” elements and limitations of claim 74, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

It would have been obvious to a person of ordinary skill in the art the time of the invention that the disclosure of Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll.

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19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-35) would have been selected in accordance with the the “advertisement” elements and limitations of claim 74, because such selection would have provided means for “*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*” (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

As per claims 75-77, Small shows the code system of claim 74 and the code systems of subsequent claims depending from claim 74. (See the rejection of claim 74 supra).

Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) shows elements that suggest the elements and limitations of claims 75-77.

Small lacks an explicit recitation of the elements and limitations of claims 75-77, even though Small (the ABSTRACT; FIG. 1 through FIG. 8; col. 1, ll. 19-35; col. 2, ll. 37-67; col. 3, ll. 1-50; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-25) suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 75-77 were well known and expected in the art by one

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of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for "*an improved consumer product promotion method. . . . which provides for effective product promotion with minimal expense, and which results in improved efficiency for participating consumer product manufacturers and enhanced interest for consumers.*" (see Small (col. 3, ll. 50-67; and col. 4, ll. 10-15)).

CONCLUSION

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

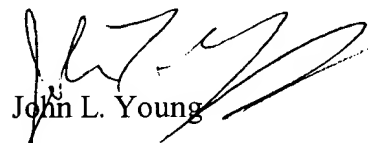
Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "John L. Young", is written over the printed name.

John L. Young
Patent Examiner

(Partial Signatory Authority)

September 5, 2002